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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY

1 Derek A. Newman, State Bar No. 190467
derek@newmanlaw.com
2 John Du Wors, State Bar No. 233913
john@newmanlaw.com
3 NEWMAN & NEWMAN, ATTORNEYS AT LAW, LLP
801 Century Park East, Suite 2400
4 Los Angeles, CA 90067
Telephone: (310) 385-5955
5 Facsimile: (310) 385-5956

6 Attorneys for Plaintiffs
SPARKNET HOLDINGS, INC. and
7 SPARKNET COMMUNICATIONS, L.P.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CV08-8510GHK PLA_x

11 SPARKNET HOLDINGS, INC., a
12 Nevada corporation,
SPARKNET COMMUNICATIONS, L.P.,
13 a Nevada partnership,

14 Plaintiffs,

15 v.

16 ROBERT PERRY, an individual,
KRIS SWEETON, an individual,
17 INDIE RANCH MEDIA, INC., a
Colorado corporation,
18 NETMIX BROADCASTING
NETWORK, INC., an unknown entity,
19 and JOHN DOES 1-5;

20 Defendants.

Case No.

**COMPLAINT FOR DAMAGES
AND INJUNCTIVE RELIEF**

BY FAX

21 SPARKNET HOLDINGS, INC. And SPARKNET COMMUNICATIONS,
22 L.P. (together "SparkNet" or "Plaintiff") hereby alleges for its complaint against
23 Robert Perry ("Perry"), Kris Sweeton a/k/a DJ Trance ("Sweeton"), INDIE
24 RANCH MEDIA, INC. ("Indie Ranch"), a Colorado corporation, and NETMIX
25 BROADCASTING NETWORK, INC ("NetMix"), an unknown entity,
26 (collectively, "Defendants") upon personal information as to Plaintiff's own
27 activities, and upon information and belief as to the activities of others, as follows:
28

Given
Trademark
DrM 10

I. NATURE OF ACTION

1. Plaintiff owns the trademarks JACK.FM for streaming of audio material on the Internet (United States Trademark Registration No. 3089418), and JACK FM for radio broadcasting services, internet broadcasting services, audio streaming over the internet, and video streaming over the internet (United States Trademark Registration No. 3009396) (together, the “Jack Marks”).

2. Defendants are unlawfully using Plaintiff’s Jack Marks in connection with internet audio streaming and radio broadcasting services, in violation of Plaintiff’s senior rights in and to the Jack Marks.

3. Defendants provide a competing service via their website at <<netmix.fm>> at which they offer a streaming audio channel named “The Buzz.”

4. Defendants market “The Buzz” to radio stations in direct competition with Plaintiff and its authorized licensees as featuring content “provided by our partner Jack FM.”

5. Plaintiff brings this action because it is suffering substantial harm as a result of Defendants’ infringement and Defendants’ unfair business practices associated therewith. Defendants’ conduct was and is calculated to cause injury to Plaintiff in California.

II. JURISDICTION

6. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 because the action involves claims arising under the Lanham Act, 15 U.S.C. § 1051 et seq.

7. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332 because (i) there is complete diversity of citizenship between the Plaintiff and Defendants, and (ii) the amount in controversy exceeds \$75,000.

8. This Court has personal jurisdiction over Defendants because Defendants conduct business in California in a systematic and continuous manner.

1 defendants, along with the named defendants, are referred to collectively herein as
2 “Defendants.”

3 18. Each defendant aided and abetted the actions of the other defendants
4 set forth below, in that each defendant had knowledge of those actions, provided
5 assistance and benefitted from those actions. Each of the defendants was the agent
6 of each of the remaining defendants, and in doing the things hereinafter alleged,
7 was acting within the course and scope of such agency and with the permission and
8 consent of the other defendants.

10 IV. FACTS

11 A. Plaintiff’s Trademark Use

12 19. Plaintiff, its predecessor, and their licensees and sublicensees, have
13 used the Jack Marks exclusively and continuously in commerce in the United
14 States since at least May 1, 2001 for radio programming services that include radio
15 broadcasting and the streaming of Internet radio broadcasts.

16 20. Plaintiff uses the Jack Marks in connection with their unique radio
17 programming package, which bears the brand JACK FM.

18 21. The JACK FM branded product is widely recognized as the most
19 successful radio format launched in the past 20 years, and the Jack Marks enjoy
20 extensive goodwill and recognition in connection with it. This nationwide
21 recognition has resulted in extensive unsolicited media coverage.

22 22. The Jack Marks are an integral component of the JACK FM branded
23 product, which is known for its distinctive iconoclasm and irreverence. The Jack
24 Marks represent radio stations offering genre-bending, fresh, and continually
25 surprising content. The Jack Marks are now recognized across the country by
26 radio consumers and trade professionals as identifying the single source of the
27 unique JACK FM product and the high quality programming services Plaintiff and
28 its licensees offer.

1 23. As popular newspapers and magazines across America recognize, the
2 Jack Marks have achieved a high level of recognition and secondary meaning
3 among consumers who associate it with Plaintiff's JACK FM product.

4 24. SparkNet and its predecessor in interest have licensed the Mark to
5 radio stations throughout the U.S., including stations in Aspen/Vail, Baltimore,
6 Chicago, Dallas, Denver, Indianapolis, Jackson (MS), Kansas City, Las Vegas, Los
7 Angeles, Minneapolis, Nashville, New York, Salt Lake City, San Diego, and
8 Seattle. SparkNet's negotiations with other prospective licensees continue. Based
9 on the success of the JACK FM product associated with the Jack Marks, the
10 number of radio stations seeking licenses to use the Jack Marks is growing rapidly,
11 and SparkNet expects to add many new stations.

12 **B. Defendants' Infringement of the Jack Marks**

13 25. Defendant NetMix provides internet audio broadcasts at its website
14 located at <<<http://www.netmix.fm>>>. Defendant Sweeton is the creator and
15 owner of Defendant NetMix. Defendant Perry is the vice president of marketing of
16 Defendant NetMix.

17 26. Defendant NetMix provides several different channels of audio
18 content, including a channel featuring classic rock referred to as "The Buzz".
19 Defendant NetMix also syndicates and offers to syndicate its audio content,
20 including content available on The Buzz, to commercial radio stations.

21 27. On information and belief, Defendants NetMix and Indie Media,
22 through Defendants Sweeton and Perry, promote The Buzz by claiming that it is
23 provided by "our partner Jack FM" and that the The Buzz's audio content is
24 merely relabelled from JACK FM to The Buzz.

25 28. Defendants first began use of the Jack Marks years after Plaintiff
26 began using the Jack Marks in interstate commerce.

27 29. Defendants' use of the Jack Marks is likely to cause, and actually
28 causes, confusion among consumers regarding the source and quality of

1 Defendants' services. Because consumers associate the Jack Marks with Plaintiff,
 2 Defendants' use of the Jack Marks causes consumers to believe that SparkNet is
 3 the source of radio programming services offered by Defendants. Accordingly,
 4 Defendants are unfairly diverting business away from Plaintiff.

5 30. As a result of this confusion, consumers and audio content licensees
 6 including radio stations, are associating the Jack Marks with a format that does not
 7 have the quality of the JACK FM product.

8 31. In addition, Defendants have enjoyed sales of advertising and other
 9 monetary and non-monetary benefits that they would not otherwise have obtained
 10 but for its use of the Jack Marks.

11 32. Defendants' acts alleged herein have been willful and have been taken
 12 with full knowledge of Plaintiff's rights and with the intent to appropriate benefits
 13 to which Defendants are not entitled.

14 33. Defendants' unlawful actions have caused and continue to cause
 15 irreparable injury to Plaintiff, and if those actions are not stopped the harm to
 16 Plaintiff will increase.

17 34. Plaintiff has no adequate remedy at law.

18
 19 **V. FIRST CAUSE OF ACTION**
 20 **UNFAIR BUSINESS PRACTICES ACT**
CALIFORNIA BUSINESS AND PROFESSIONS CODE §§ 17200

21 35. Plaintiff incorporates the allegations set forth in paragraphs 1 through
 22 34 above as though fully set forth herein.

23 36. California Business & Professions Code §§ 17200 et seq. Declares
 24 unfair competition unlawful and defines unfair competition as, inter alia, "any
 25 unlawful, unfair, or fraudulent business act or practice."

26 37. Defendants' unauthorized use of Plaintiff's Jack Marks to establish a
 27 business in direct competition with Plaintiff, constitutes one or more unlawful,
 28 unfair, or fraudulent business acts or practices in violation of Business &

1 Professions Code §§ 17200 et seq.

2 38. The acts alleged herein are unfair and detrimental to Plaintiff.

3 39. By engaging in the conduct alleged herein, Defendants are violating,
4 and unless enjoined will continue to violate, Business & Professions Code §§
5 17200 et seq. as a result.

6 40. Plaintiff has been harmed as a result of Defendants' actions, and
7 unless Defendants are enjoined from engaging further in the conduct alleged
8 herein, Plaintiff will continue to be harmed as a result.

9
10 **VI. SECOND CAUSE OF ACTION**
INTERFERENCE WITH BUSINESS RELATIONS

11 41. Plaintiff incorporates the allegations set forth in paragraphs 1 through
12 40 above as though fully set forth herein.

13 42. Plaintiff is in the business of developing, marketing, licensing, and
14 providing consulting services relating to audio streaming content to radio stations.

15 43. Defendants are intentionally and unfairly soliciting business from
16 Plaintiff's customers and potential customers by offering them content they claim
17 is "provided by Jack FM."

18 44. Defendants are using Plaintiff's Jack Marks to develop and promote a
19 business in direct competition with Plaintiff.

20 45. Defendant Perry had actual knowledge of Plaintiff's business,
21 business relationships, and potential business relationships at the time he took the
22 actions described herein.

23 46. Through the actions described in paragraphs 42, 43, and 44 above,
24 Defendants intentionally interfered with, with malice, Plaintiff's relationships with
25 clients and potential client, and induced and caused potential clients of Plaintiff to
26 refrain from conducting business with Plaintiff.

27 47. Plaintiff has been harmed as a result of Defendants' actions, and
28 unless Defendants are enjoined from engaging further in the conduct alleged

1 herein, Plaintiff will continue to be harmed as result.

2 **VII. THIRD CAUSE OF ACTION**
3 **TRADEMARK INFRINGEMENT**
4 **15 U.S.C. §§ 1051, et seq.**

4 48. Plaintiff incorporates the allegations set forth in paragraphs 1 through
5 47 above as though fully set forth herein.

6 49. Defendants are using the Jack Marks in conneciton with their offering
7 of Internet and radio broadcasting services.

8 50. Defendants' use of the Jack Marks is likely to cause, and actually
9 causes, consumer confusion as to the source, sponsorship or authorization of
10 Defendants' internet broadcasting services by Plaintiff.

11 51. Defendants' actions constitute trademark infringement in violation of
12 § 32 of the Lanham Act, 15 U.S.C. § 1114, *inter alia*.

13 52. As a result of Defendants' conduct, Plaintiff has suffered irreparable
14 harm to its reputation and goodwill, and unless Defendants are restrained and
15 enjoined, Plaintiff will continue to suffer this harm from Defendants' conduct.

16 **VIII. FOURTH CAUSE OF ACTION**
17 **UNFAIR COMPETITION**
18 **PURSUANT TO 15 U.S.C. § 1125**

18 53. Plaintiff incorporates the allegations set forth in paragraphs 1 through
19 52 above as though fully set forth herein.

20 54. Defendants' use of the Jack Marks is misleading to consumers, and is
21 likely to cause confusion or mistake, or to deceive as to i) the affiliation,
22 connection, or association of Defendants with Plaintiff and/or ii) the origin,
23 sponsorship, or approval of Defendants' internet broadcasting services.

24 55. Defendants' conduct constitutes unfair competition.

25 56. As a result of Defendants' conduct, Plaintiff has suffered irreparable
26 harm to its reputation and goodwill, and unless Defendants are restrained and
27 enjoined, Plaintiff will continue to suffer this harm from Defendants' conduct.

**IX. FIFTH CAUSE OF ACTION
TRADEMARK DILUTION
PURSUANT TO 15 U.S.C. § 1125**

57. Plaintiff incorporates the allegations set forth in paragraphs 1 through 56 above as though fully set forth herein.

58. Plaintiff's Jack Marks are famous.

59. Defendants' use of the Jack Marks is willful, and began after Plaintiff's Jack Marks became famous. Through their conduct, Defendants are tarnishing, and are likely to tarnish, the Jack Marks.

60. Through their conduct, Defendants are also blurring, and are likely to blur, the distinctiveness of the Jack Marks.

61. Therefore, Defendants are diluting the Jack Marks.

62. As a result of Defendants' conduct, Plaintiff has suffered irreparable harm to its reputation and goodwill, and unless Defendants are restrained and enjoined, Plaintiff will continue to suffer this harm from Defendants' conduct.

**X. SIXTH CAUSE OF ACTION
FALSE DESIGNATION OF ORIGIN
PURSUANT TO 15 U.S.C. § 1125(a)**

63. Plaintiff incorporates the allegations set forth in paragraphs 1 through 62 above as though fully set forth herein.

64. Plaintiff's Jack Marks are distinctive marks that are associated with Plaintiff and exclusively identify Plaintiff's services.

65. Defendants have used and continue to use the Jack Marks in connection with goods or services, in commerce, in a manner that is likely to cause confusion, mistake, or deception as to the origin, sponsorship, or approval of such goods or services.

66. As a result of Defendants' conduct, Plaintiff has suffered, and unless Defendants are restrained and enjoined, Plaintiff will continue to suffer this harm from Defendants' conduct.

**XI. SEVENTH CAUSE OF ACTION
TRADEMARK COUNTERFEITING
PURSUANT TO 15 U.S.C. § 1114(1)**

67. Plaintiff incorporates the allegations set forth in paragraphs 1 through 66 above as though fully set forth herein.

68. Defendants' use in commerce of Plaintiff's Jack Marks or indistinguishable variations thereof is likely to cause confusion, mistake, or to deceive.

69. The above-described acts of Defendants constitute trademark counterfeiting pursuant to 15 U.S.C. § 1114(1), entitling Plaintiff to relief.

70. Defendants have unfairly profited from the infringing actions alleged herein.

71. By reason of Defendants' acts, Plaintiff has suffered damage to the goodwill associated with Plaintiff's Jack Marks.

72. Defendants' activities have irreparably harmed and, if not enjoined, will continue to irreparably harm the general public, which has an interest in being free from confusion, mistake, and deception.

73. By reason of Defendants' acts, Plaintiff's remedy at law is insufficient to compensate them for the injuries inflicted by Defendants. Accordingly, Plaintiff is entitled to preliminary and permanent injunctive relief.

74. By reason of Defendants' use of the Jack Marks alleged herein, Plaintiff is entitled to recover Defendants' profits, actual damages, and the costs of this action pursuant to 15 U.S.C. § 1117.

75. Alternatively, by reason of Defendants' willful use of the Jack Marks, Plaintiff is entitled to recovery statutory damages under 15 U.S.C. § 1117, on election by Plaintiff, in an amount of up to \$1,000,000 for each counterfeit use of the Jack Marks.

76. This is an exceptional case entitling Plaintiff to an award of its attorneys' fees pursuant to 15 U.S.C. § 1117.

**XII. EIGHTH CAUSE OF ACTION
COMMON LAW UNFAIR COMPETITION**

77. Plaintiff incorporates the allegations set forth in paragraphs 1 through 76 above as though fully set forth herein.

78. Defendant engaged in the use of the Jack Marks for the purpose of deceiving the public.

79. Defendants are Plaintiff's business rivals.

80. Defendants' use of the Jack Marks has improperly induced the consumption of Defendants' services conferring on Defendants benefits properly belonging to Plaintiff.

81. Defendants have, through their unfair competitive practices, induced the public to believe that the services Defendant offers are the services of Plaintiff.

82. Consequently, Defendants have thereby appropriated to themselves the value of the reputation which Plaintiff acquired for its own services.

83. Defendants' conduct as alleged herein constitutes unfair competition against Plaintiff.

84. As a result of Defendants unfair competition, Plaintiff has suffered, and unless said conduct is restrained and enjoined will continue to suffer, harm to their business, including loss of revenue, customers, and goodwill.

XIII. RELIEF REQUESTED

WHEREFORE, Plaintiff prays for the following relief:

1. Injunction. That, pursuant to 15 U.S.C. § 1116, *inter alia*, the Court issue a preliminary and permanent injunction restraining and enjoining Defendants, and their agents, servants, employees, attorneys, and related companies and all persons acting for, with, by, through or under them, and each of them, from:

a. using in any manner the trademarks JACK FM, JACK.FM, and any other term or terms likely to cause confusion therewith;

- b. using the trademark JACK FM, JACK.FM, and any other term or terms likely to cause confusion therewith, in a manner likely to create the erroneous belief that Defendants' goods or services are authorized by, sponsored by, licensed by or in any way associated with Plaintiff; and
- c. otherwise engaging in any other acts or conduct that would cause consumers erroneously to believe that Defendants' goods or services are somehow sponsored by, authorized by, licensed by, or in any way associated with Plaintiff.

2. Compensatory Damages in Amount of Plaintiff's Loss. That Defendants be required to pay to Plaintiff all damages sustained.
3. Compensatory Damages in Amount of Defendants' Gain. That Defendants be required to account for and pay to Plaintiff all monetary benefits obtained by reason of its unlawful acts alleged herein.
4. Statutory Damages. That Defendants be required to pay statutory damages under 15 U.S.C. § 1117(c), on election by Plaintiff, for each counterfeit use of the Jack Marks, in an amount of up to \$100,000 for each counterfeit use, and that that amount be increased to up to \$1,000,000 for each counterfeit use of the Jack Marks due to the willful nature of Defendants' counterfeiting.
5. Punitive Damages. That Defendants be required to pay punitive damages.
6. Attorneys' Fees and Costs. That the Court award Plaintiff its reasonable attorneys' fees and costs pursuant to 15 U.S.C. § 1117(a), *inter alia*.
7. Treble Damages. That the Court award Plaintiff three times the amount of its actual damages pursuant to 15 U.S.C. § 1117(a), *inter*

alia.

8. Other Equitable Relief. That Plaintiff receive such other and further relief as the Court may deem appropriate.

Dated this 23rd day of December 2008.

Respectfully Submitted,

**NEWMAN & NEWMAN,
ATTORNEYS AT LAW, LLP**

By:

John Du Woss

Derek A. Newman, State Bar No. 190467
derek@newmanlaw.com
John Du Wors, State Bar No. 233913
john@newmanlaw.com
801 Century Park East, Suite 2400
Los Angeles, CA 90067
Telephone: (310) 385-5955
Facsimile: (310) 385-5956

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge George King and the assigned discovery Magistrate Judge is Paul L. Abrams.

The case number on all documents filed with the Court should read as follows:

2:CV08- 8510 GHK (PLAx)

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

[X] Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

[] Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

[] Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Derek A. Newman, State Bar No. 190467
 John Du Wors, State Bar No. 233913
 Newman & Newman, Attorneys at Law, LLP
 801 Century Park East, Suite 2400
 Los Angeles, CA 90067
 (310) 385-5955

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SPARKNET HOLDINGS, INC., SPARKNET
 COMMUNICATIONS, L.P.

PLAINTIFF(S)

v.

ROBERT PERRY, KRIS SWEETON, INDIE
 RANCH MEDIA, INC., NETMIX BROAD
 CASTING NETWORK, INC., JOHN DOES 1-5

DEFENDANT(S).

CASE NUMBER

CV08-8510 GHK PLA

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Derek Newman, whose address is 801 Century Park East, Suite 2400, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

DEC 23 2008

Dated: _____

Clerk, U.S. District Court

By: _____

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Derek A. Newman, State Bar No. 190467
 John Du Wors, State Bar No. 233913
 Newman & Newman, Attorneys at Law, LLP
 801 Century Park East, Suite 2400
 Los Angeles, CA 90067
 (310) 385-5955

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

SPARKNET HOLDINGS, INC., SPARKNET
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Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Derek Newman, whose address is 801 Century Park East, Suite 2400, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: DEC 23 2008

By: LA'REE HORN



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> SPARKNET HOLDINGS, INC., a Nevada corporation; SPARKNET COMMUNICATIONS, L.P.	DEFENDANTS ROBERT PERRY, an individual; KRIS SWEETON, an individual; INDIE RANCH MEDIA, INC., a Colorado corporation; NETMIX BROADCASTING NETWORK, INC., an unknown entity; and JOHN DOES 1-5
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Derek Newman and John Du Wors, Newman & Newman, Attorneys at Law, LLP, 801 Century Park East, Suite 2400, Los Angeles, CA 90067 (310) 385-5955	Attorneys (If Known) <div style="text-align: right; font-size: 2em; font-weight: bold; margin-top: 20px;">BY FAX</div>

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> <td style="width:33%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1 <input type="checkbox"/> 1</td> <td style="border: none;"></td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none;"><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2 <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3 <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF DEF		PTF DEF	<input type="checkbox"/> 1 <input type="checkbox"/> 1		Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6
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Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify):	<input type="checkbox"/> 6 Multi-District Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 USC § 1125 - Trademark Infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
SPARKNET HOLDINGS, INC., a Nevada corporation; SPARKNET
COMMUNICATIONS, L.P.

DEFENDANTS
ROBERT PERRY, an individual; KRIS SWEETON, an individual; INDIE
RANCH MEDIA, INC., a Colorado corporation; NETMIX BROADCASTING
NETWORK, INC., an unknown entity; and JOHN DOES 1-5

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Derek Newman and John Du Wors, Newman & Newman, Attorneys at Law,
LLP, 801 Century Park East, Suite 2400, Los Angeles, CA 90067 (310)
385-5955

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

MONEY DEMANDED IN COMPLAINT: \$ _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. § 1125 - Trademark Infringement

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL PROPERTY	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 Habeas Corpus	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE / PENALTY	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input checked="" type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**VIII(a). IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:(Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.**IX. VENUE:** (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	SPARKNET HOLDINGS, INC., Nevada SPARKNET COMMUNICATIONS, L.P., Nevada

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	ROBERT PERRY, New York; KRIS SWEETON, Los Angeles; INDIE RANCH MEDIA, INC., Los Angeles; NETMIX BROADCASTING NETWORK, INC., Los Angeles

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Los Angeles

*** Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties****Note: In land condemnation cases, use the location of the tract of land involved.**X. SIGNATURE OF ATTORNEY (OR PRO PER): John D. Woods Date December 23, 2008**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)**Key to Statistical codes relating to Social Security Cases:**

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))